

## PUBLIC ROADS PROGRAM

*Agreement signed at Manila February 14, 1947*

*Entered into force February 14, 1947*

*Extended by agreements of December 16 and 21, 1949,<sup>1</sup> and July 6 and 17, 1951<sup>1</sup>*

*Expired June 30, 1952*

61 Stat. 2561; Treaties and Other  
International Acts Series 1584

### AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING A ROAD, STREET AND BRIDGE PROGRAM

WHEREAS, the Government of the Republic of the Philippines is desirous of improving its public roads, streets, and bridges; and

WHEREAS, the Government of the United States of America has enacted Public Law No. 370, 79th Congress, approved April 30, 1946,<sup>2</sup> providing, among other things, that its Public Roads Administration is authorized to plan, design, restore and build in accordance with its usual contract procedures, in cooperation with the Philippine Government, certain roads, streets, and bridges as may be determined necessary from the standpoint of the national defense and economic rehabilitation of the Republic of the Philippines and to the extent that the President of the United States approves the findings in a report on Philippine Highway Requirements as prepared by the Public Roads Administration; and, in accordance with such regulations as may be adopted by the Commissioner of the said Public Roads Administration, to provide training for not to exceed ten Filipino engineers from the regularly employed staff of the Philippine Public Works Department, to be designated by the President of the Philippines;

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<sup>1</sup> 3 UST 3715; TIAS 2499.

<sup>2</sup> 60 Stat. 128.

The Governments of the United States of America and the Republic of the Philippines have decided to conclude an agreement for those purposes and have agreed as follows:

#### ARTICLE I

The responsible agent of the Government of the United States for effectuating the provisions of this Agreement shall be the Commissioner of the United States Public Roads Administration who may delegate to a duly authorized representative all or any part of his authority and responsibility for effectuating the provisions of this Agreement. The duties, functions and powers exercised under the terms of this Agreement by the representative of the Commissioner of the United States Public Roads Administration in the Philippines shall be carried out under the general supervision of the Ambassador of the United States accredited to the Government of the Philippines.

#### ARTICLE II

The Governments of the United States of America and the Republic of the Philippines agree that the road, street and bridge program in the Republic of the Philippines is to be advanced progressively as may be determined by the duly authorized representative of the Philippine Department of Public Works and Communications and the authorized representative of the United States Public Roads Administration subject to such regulations as may be issued by the Commissioner of the United States Public Roads Administration and subject to the availability of such funds as may be allotted by the administrative agency of the Government of the United States of America which is or may be authorized and empowered to administer the provisions of the Act of the Congress of the United States of America approved April 30, 1946, referred to above.

#### ARTICLE III

The United States Public Roads Administration personnel assigned to this work will aid and assist the Philippine Department of Public Works and Communications in making appropriate studies of highway transportation in order that the latter shall be enabled to submit a comprehensive program of work to be undertaken with funds under the Act for each fiscal year as well as the over-all program. These programs will be supported by Project Statements and Project Agreements which are to be determined and negotiated between the Philippine Department of Public Works and Communications and the United States Public Roads Administration.

#### ARTICLE IV

The United States Public Roads Administration, subject to the availability of appropriated funds, shall provide training during the period of

this Agreement for not to exceed ten engineers, citizens of the Republic of the Philippines, in the construction, maintenance, and highway traffic engineering and control necessary for the continued maintenance and for the efficient and safe operation of highway transport facilities.

The President of the Republic of the Philippines shall designate trainees selected in accordance with procedures and standards established by the Commissioner of Public Roads of the United States. The Government of the Republic of the Philippines shall furnish to the United States Embassy at Manila the names of trainees so designated.

#### ARTICLE V

The United States Public Roads Administration will reimburse the Philippine Department of Public Works and Communications monthly (or as otherwise agreed between these two governmental agencies) in United States dollars for the United States Government's share of the value of the work found to have been satisfactorily performed under any or all active Project Agreements in accordance with the pro rata and other conditions provided in said Project Agreements.

#### ARTICLE VI

The United States Public Roads Administration personnel will confer with the Philippine Department of Public Works and Communications accounting and audit staff with respect to maintaining appropriate project cost accounts, and adequate basic field records to be kept by contractors or other constructing agency for jobs handled under force account or direct labor construction methods; the sufficiency of these accounts and records being subject at all times to approval of the United States Public Roads Administration. The United States Public Roads Administration shall have the right of access to all such records and accounts for the purpose of conducting detailed audits and cost analyses as may be found requisite to support the disbursements of the funds made available by the United States Government under this Agreement. The United States Public Roads Administration also shall have access to records and all other data and documents of the Philippine Department of Public Works and Communications pertaining to the financial ability and other qualifications of contractors bidding on work embraced in this Agreement.

#### ARTICLE VII

The Republic of the Philippines agrees to provide all lands, easements, and rights-of-way necessary for the execution of the projects under the programs to which this Agreement relates; and the Public Roads Administration is authorized in the prosecution of these programs to accept and utilize

thereon contributions of labor, materials, equipment, and money from the Government of the Republic of the Philippines and its political subdivisions.

#### ARTICLE VIII

On projects financed jointly by the United States of America and the Republic of the Philippines, agreement will be reached between the representatives of the United States Public Roads Administration and the Philippine Department of Public Works and Communications as to standards of construction. Frequent inspections will be made by representatives of the United States Public Roads Administration to determine whether these standards are being met. The Philippine Department of Public Works and Communications will be advised of the results of such inspections. Payment of funds for work so determined as satisfactory will be made as outlined in Article V hereof. Unsatisfactory work will be corrected before payment is made therefor.

#### ARTICLE IX

The Republic of the Philippines shall maintain and operate to the satisfaction of the United States Public Roads Administration on the projects and facilities provided for in this Agreement during the period of this Agreement. Representatives of the United States Public Roads Administration shall make frequent inspections to determine whether maintenance and operation are satisfactory. The Philippine Department of Public Works and Communications will be advised of the results of such inspections.

#### ARTICLE X

The Government of the Republic of the Philippines will cooperate with the United States Public Roads Administration in providing necessary office space and facilities, and adequate housing accommodations for its personnel and their families at reasonable rental rates.

#### ARTICLE XI

The Government of the Republic of the Philippines will save harmless all officers and employees of the United States Public Roads Administration who are citizens of the United States from damage suits or other civil actions arising out of their performance of their duties under this Agreement.

#### ARTICLE XII

It is agreed that the Philippine Governmental body authorized to receive surplus property from the United States shall transfer or make the use thereof available without charge to the Department of Public Works and Communications such construction and maintenance equipment, shop tools, machinery spare parts and supplies as are necessary to the economic and

efficient fulfillment of the purposes of this Agreement, all such disposals to be in accordance with Title II of the Philippine Rehabilitation Act of 1946.<sup>3</sup>

### ARTICLE XIII

Employees and agents of the Government of the United States of America on duty or assigned to duty in the Republic of the Philippines under the provisions of the present Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing Visa and Passport Regulations. Free passage shall also be afforded over all bridges, ferries, roads and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

### ARTICLE XIV

Pending the conclusion of negotiations now being considered by the United States and the Republic of the Philippines, no import, excise, consumption, or other tax, duty or impost shall be levied on funds or property in the Republic of the Philippines which is owned by the Public Roads Administration and used for purposes under the present Agreement or on funds, materials, supplies and equipment imported into the Republic of the Philippines for use in connection with such purposes; neither shall any such tax, duty or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of the Public Roads Administration personnel who are United States citizens; nor shall export or other tax be placed on any such property in the event of its removal from the Philippines.

### ARTICLE XV

Each Government reserves the right to remove any personnel paid by it and involved in carrying out the provisions of this Agreement with the understanding that each Government shall maintain an adequate force to carry out the provisions and requirements of this Agreement so long as the Agreement is in effect.

### ARTICLE XVI

This Memorandum of Agreement shall become effective on the date of its signature and continue in effect until June 30, 1950; however, this Agreement may be revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes between the two contracting parties; and further, either party may terminate

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<sup>3</sup> 60 Stat. 134.

this Agreement by giving to the other party ninety days notice in writing through diplomatic channels.

IN WITNESS WHEREOF, the Undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourteenth day of February, 1947.

For the Government of the United States of America:

PAUL V. McNUTT  
*Ambassador Extraordinary and Plenipoten-  
tiary of the United States of America to  
the Republic of the Philippines*

For the Government of the Republic of the Philippines:

R. NEPOMUCENO  
*Secretary of Public Works and Communications*